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11 Attorneys for Plaintiff
12 COUPONS, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 COUPONS, INC.,

17 Plaintiff,

18 vs.

19 JOHN STOTTLEMIRE, and DOES 1-10,

20 Defendants.

Case No. 5:07-cv-03457

**DECLARATION OF DENNIS M. CUSACK
IN SUPPORT OF STIPULATION AND
[PROPOSED] ORDER TO EXTEND TIME
TO FILE OPPOSITION AND REPLY TO
OPPOSITION TO MOTION TO DISMISS**

Date: April 22, 2008

Time: 10:00 a.m.

Courtroom.: 2, 5th Floor

Judge: Hon. Howard R. Lloyd

21 I, Dennis M. Cusack, declare as follows:

22 1. I am a partner in the law firm of Farella Braun + Martel LLP, attorneys for
23 plaintiff Coupons, Inc. in this matter.

24 2. On December 27, 2007, Plaintiff Coupons, Inc. filed its Second Amended
25 Complaint;

26 3. On February 26, 2008, Defendant Stottlemire filed a Motion to Dismiss For
27 Failure to State a Claim On Which Relief Can Be Granted;

28 4. Defendants' opposition to the motion to dismiss is due on April 1, 2008, and
Stottlemire's reply is due on April 8, 2008; the hearing on the motion to dismiss is set for
April 22, 2008;

1 5. After receiving Defendant's motion to dismiss, Plaintiff's counsel began preparing
2 its opposition to the motion to dismiss in preparation to file the opposition on April 1, 2008 in a
3 timely fashion;

4 6. On March 25, 2008, the Samuelson Law, Technology & Public Policy Clinic filed
5 a "Notice of Motion and Motion of the Electronic Frontier Foundation for Leave to File Amicus
6 Curiae Brief in Support of Defendant's Motion to Dismiss" and the accompanying brief ("Amicus
7 brief"), which includes overlapping and additional points relevant to Defendant Stottlemire's
8 motion to dismiss;

9 7. Due to the overlapping nature of the challenges made by Defendant Stottlemire
10 and by the Amicus brief, Plaintiff would like to address all of the challenges in one opposition
11 brief;

12 8. In order to properly research and respond to the additional points raised in the
13 Amicus brief, Plaintiff needs several additional days to file its opposition;

14 9. I have spoken with Defendant Stottlemire and he has agreed to extend the time for
15 Plaintiff to file its opposition by three (3) days, and we have agreed that he will have the same
16 number of additional days to reply to the opposition;

17 10. Parties have signed the accompanying stipulation agreeing that Plaintiff will file its
18 opposition to Defendant's motion to dismiss (including any response to points raised in the
19 Amicus brief) by April 4, 2008, and Defendant Stottlemire will file his reply by April 11, 2008.
20 The hearing will remain on April 22, 2008 as previously scheduled.

21 11. Plaintiff Coupons has not previously requested or received an extension to oppose
22 Defendant Stottlemire's motion to dismiss which he filed February 26, 2008;

